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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-1995

DEBBIE JOANN DEUEL
24410 Crenshaw Boulevard #320
Torrance, California 90505

A C C U S A T I O N

Respiratory Care Practitioner License No. 6532

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about July 12, 1985, the Respiratory Care Board issued Respiratory Care Practitioner License Number 6532 to Debbie Joann Deuel (Respondent). This license was in full force and effect at all times relevant to the charges brought herein, is currently inactive and will expire on August 31, 2007, unless renewed.

JURISDICTION

3. This Accusation is brought before the Respiratory Care Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references

are to the Business and Professions Code unless otherwise indicated.

4. Section 3710 of the Code states: “The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act].”

5. Section 3718 of the Code states: “The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter.”

6. Section 822 of the Code states:

“If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

“(a) Revoking the licentiate's certificate or license.

“(b) Suspending the licentiate's right to practice.

“(c) Placing the licentiate on probation.

“(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

“The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.”

7. Section 3750 of the Code states:

“The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

“ . . .

“(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a respiratory care practitioner. The record of conviction or a certified copy

thereof shall be conclusive evidence of the conviction. . . .”

8. Section 3752 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of any offense which substantially relates to the qualifications, functions, or duties of a respiratory care practitioner is deemed to be a conviction within the meaning of this article. The board shall order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.”

9. Section 490 of the Code states:

“A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

COST RECOVERY

10. Section 3753.5, subdivision (a) of the Code states:

"In any order issued in resolution of a disciplinary proceeding before the board, the board or the administrative law judge may direct any practitioner or applicant found to have committed a violation or violations of law to pay to the board a sum not to exceed the costs of the investigation and prosecution of the case."

1 11. Section 3753.7 of the Code states:

2 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall
3 include attorney general or other prosecuting attorney fees, expert witness fees, and other
4 administrative, filing, and service fees."

5 12. Section 3753.1, subdivision (a) of the Code states:

6 "An administrative disciplinary decision imposing terms of probation may include,
7 among other things, a requirement that the licensee-probationer pay the monetary costs
8 associated with monitoring the probation."

9 FIRST CAUSE FOR DISCIPLINE

10 (Mental Impairment Affecting Ability to Practice)

11 13. Respondent is subject to disciplinary action under section 822 of the Code
12 in that her ability to practice respiratory care is impaired due to mental illness. The circumstances
13 are as follows:

14 A. On June 20, 2005, the Board served on respondent an Order
15 Compelling Psychiatric Examination. On July 8, 2005, respondent was evaluated by
16 Mohan Nair, M.D., who prepared a report in which he concluded that respondent should
17 not engage in the practice of respiratory care. According to Dr. Nair, respondent has a
18 serious psychiatric disorder that is currently disabling. His diagnosis is major depression
19 with psychosis recurrent type.

20 B. Dr. Nair stated in his report that respondent is not able to undertake
21 the material and substantial duties related to her occupation as a respiratory therapist. She
22 is not able to relate to others in a work setting. She is able to manage her own day to day
23 affairs marginally. She will not respond to supervision appropriately and is not able to
24 supervise and manage others. Her attention and concentration are impaired. Her ability to
25 perform complex mental tasks is impaired. She is not able to perform under the stress of a
26 workload or in critical situations. She is not able to work on a daily basis or complete a
27 workday without interruption from psychiatric symptoms.

28 C. Dr. Nair further stated in his report that respondent has a current

1 serious psychiatric disability that would affect her ability to practice respiratory care.
2 There is a high likelihood that as a result of her mental state which includes depression,
3 mental agitation, loss of touch with reality and feeling overwhelmed, she will not
4 comprehend what is told to her by other people, including patients and those that request
5 her services. A level of distraction will make it difficult for her to monitor what is going on
6 with patients and to read instruments.

7 D. Dr. Nair recommends that due to her severe psychiatric symptoms,
8 respondent should have at least weekly psychiatric treatment and receive proper
9 medication.

10 SECOND CAUSE FOR DISCIPLINE

11 (Conviction of a Crime)

12 14. Respondent is subject to disciplinary action under sections 3750,
13 subdivision (d), 3752 and 490 of the Code, in that she was convicted of crimes substantially related
14 to the qualifications, functions or duties of a respiratory care practitioner. The circumstances are as
15 follows:

16 I. January 7, 2005 Conviction

17 A. On January 7, 2005, in Superior Court, San Bernardino County,
18 Case Number MWV078779, respondent was convicted by a plea of guilty to trespass,
19 driving on private property, a violation of Penal Code section 602(m), a misdemeanor. She
20 was ordered to pay a fine of \$950.00.

21 B. The facts and circumstances surrounding this offense are as follows:

22 On December 27, 2002, respondent telephoned a friend she had met at a
23 dog show. When the friend told respondent she did not want to speak to her, respondent
24 stated she was going to come to her house. She arrived about 2:11 p.m. and was asked to
25 leave, but she refused. Sheriff's deputies were contacted and eventually respondent left the
26 premises. The deputies advised her not to return or she would be subject to trespassing.

27 When the friend returned home later in the day, she noticed respondent's
28 van parked in the driveway and contacted the sheriff's department again. When the deputy

1 arrived, he found respondent playing with the dogs in the kitchen and talking on the
2 telephone. When asked what she was doing, she stated she was waiting for her friend to
3 return. Respondent told the deputy she returned to the friend's residence at about 5:00 p.m.
4 She sat in the driveway for a while and then heard a song on the radio that was her "cue"
5 or indicator that it was time for her to go into the house. She entered the house through an
6 unlocked front door. Respondent told the deputy she knew she was trespassing, but she
7 said she was hard headed and refused to take no for an answer when her friend did not
8 want to see her.

9 Respondent was arrested for trespass, by occupying property without the
10 owner's consent, a violation of Penal Code section 602(l).

11 II. July 15, 2004 Conviction

12 C. On July 15, 2004, in Superior Court, Los Angeles County, Case
13 Number YA058454, respondent was convicted by a plea of guilty to two counts of
14 evading an officer with willful disregard for the safety of persons and property, a violation
15 of Vehicle Code section 2800.2(a), a felony. She was placed on probation for five years.
16 The court ordered her to serve 365 days in county jail with credit for 99 days, and to serve
17 the remainder of the time at Harbor View Center or at an outpatient program. She was also
18 ordered to pay a restitution fine of \$200.00, and cooperate with the probation officer in a
19 plan for psychological counseling.

20 D. The facts and circumstances surrounding this offense are as follows:

21 On May 10, 2004, respondent was involved in a police pursuit. Torrance
22 police officers observed that respondent drove her vehicle erratically at a high rate of
23 speed, failed to stop at a stop sign, and then entered a parking garage. A police officer
24 followed respondent to the second floor of the parking garage, and drove his vehicle
25 behind respondent's vehicle. Respondent then intentionally backed up into the officer's
26 vehicle and then sped off down the ramp. She then veered off in front of another police
27 vehicle which was positioned to stop her, and exited the parking garage. The officers
28 pursued respondent, activating their overhead lights and siren. Respondent failed to yield

1 to the officers.

2 Respondent then drove around a vehicle which was stopped in the right hand turn
3 lane at a red light and made an illegal turn. The officers continued to pursue respondent
4 and requested that a unit that was trained in Pursuit Intervention Technique (P.I.T.)
5 perform a maneuver on respondent's vehicle. Respondent went through a posted stop sign
6 and another red light, and was then stopped by the P.I.T. vehicle. When respondent
7 refused to exit her vehicle as ordered, she was pulled out of her vehicle and handcuffed.
8 One of the officers stated that he had been in another pursuit with respondent earlier that
9 day. He had attempted to conduct a traffic stop when respondent fled from him driving
10 unsafely through residential areas and by schools without regard to public safety.

11 Respondent was arrested and charged with two counts of evading an officer, with
12 willful disregard for the safety of persons and property, a violation of Vehicle Code section
13 2800.2(a), a felony, assault upon a peace officer, a violation of Penal Code section 245(c),
14 a felony, and assault with a deadly weapon, by means likely to produce great bodily injury,
15 a violation of Penal Code section 245(a)(1), a felony.

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27 PRAYER

28 WHEREFORE, Complainant requests that a hearing be held on the matters herein

1 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

2 1. Revoking or suspending Respiratory Care Practitioner License Number
3 6532 issued to Debbie Joann Deuel;

4 2. Ordering Debbie Joann Deuel to pay the Respiratory Care Board the costs
5 of the investigation and enforcement of this case, and if placed on probation, the costs of probation
6 monitoring;

7 3. Taking such other and further action as deemed necessary and proper.

8 DATED: September 7, 2005

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11 Original signed by Liane Zimmerman for:
12 STEPHANIE NUNEZ
13 Executive Officer
14 Respiratory Care Board of California
15 Department of Consumer Affairs
16 State of California
17 Complainant
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